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UNITED STATES DISTRICT COURT FILED
 SOUTHERN DISTRICT OF CALIFORNIA 2008 JAN 14 AM 11:21

UNITED STATES OF AMERICA,

) 08 MJ 0089
) Magistrate Case No.

Plaintiff,

) VNW
) COMPLAINT FOR VIOLATION OF: DEPUTY

v.

) Title 18, U. S. C., Section 111
) Assault on a Federal Officer
) (Felony)

Defendant

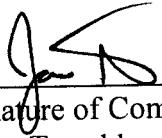
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)

The undersigned complainant, being duly sworn, states:

On or about **January 13, 2008**, within the Southern District of California, defendant **Ismael AMBROCIO-Garcia**, did knowingly and intentionally, willfully and forcibly assault, resist, oppose, impede and interfere with a person named in 18 U.S.C. Section 111, namely Department of Homeland Security, Customs and Border Protection, United States Border Patrol, Border Patrol Agent Michael J. Spear, in that Defendant, in an attempt to resist arrest, assaulted at Agent Spear while engaged in the performance of his official duties; in violation of Title 18, United States Code, Section 111(a)(1) a felony.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 Signature of Complainant
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF JANUARY 2008.


 Nita L. Stormes
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Ismael AMBROCIO-Garcia****PROBABLE CAUSE STATEMENT**

On January 12, 2008 at approximately 10:00 P.M., Border Patrol Agent M. Spear was performing his assigned duties as a Border Patrol Agent in the Imperial Beach Border Patrol Station's area of operations. Agent Spear received a report of a group of individuals that had recently made an illegal entry into the United States and were currently walking northbound on Seacoast Drive, in Imperial Beach, California. This location is five miles west of the San Ysidro, California Port of Entry and approximately two miles north of the United States / Mexico International Boundary.

At approximately 10:27 P.M., Agent Spear responded to Seacoast Drive and immediately observed seven individuals walking northbound. Agent Spear identified himself as a United States Border Patrol Agent in the Spanish language. One of the individuals, later identified as the defendant **Ismael AMBROCIO-Garcia** immediately ran from Agent Spear and began climbing a rock jetty near-by. As Agent Spear pursued the defendant up the rock jetty, he was kicked in the chest and fell into chest-high water. Agent Spear got out of the water, continued his foot pursuit and attempted to detain the defendant. The defendant continued to be combative and non-compliant as Agent Spear was attempting to take him into custody. Agent Spear was able to take the defendant into custody after several minutes of resistance. Agent Spear questioned the defendant as to his citizenship and immigration status. The defendant was determined to be a citizen and national of Mexico, illegally present in the United States. The defendant was placed under arrest and transported to the Imperial Beach Border Patrol Station.

Routine record checks of the defendant revealed one previous apprehension by the United States Border Patrol. No immigration or criminal history was found for the defendant. These records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.